

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2018

CORAM

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

Crl.O.P.No.29528 of 2017

Panneerselvam ... Petitioner/1st Accused

Vs.

State rep.by

The Inspector of Police,
K-10, Koyambedu Police Station,
Koyambedu,
Chennai-600 107.

... Respondent/Complainant

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to modify the condition No.(iv) imposed in the bail application in Crl.M.P.No.18784 of 2017 on the file of the learned Principal Judge, Court of Sessions at Chennai, dated 05.12.2017 and thereby, permit the petitioner/petitioner/1st accused to appear before the learned Judicial Magistrate No.I, Poonamallee, daily at 10.30 am for a period of one month instead of appearing before the respondent police.

For Petitioner : Mr.S.Vijay Anand

For Respondent : Mr.R.Ravichandran,
Government Advocate (Crl.Side)

ORDER

This petition has been filed to modify the condition No.iv imposed in the bail application in Crl.M.P.No.18784 of 2017 on the file of the learned Principal Judge, Court of Sessions at Chennai, dated 05.12.2017 and thereby, permit the petitioner/1st accused to appear before the learned Judicial Magistrate No.I, Poonamallee, Chennai, daily at 10.30 A.M. for a period of one month instead of appearing before the respondent police.

2.I have heard Mr.S.Vijay Anand, learned counsel appearing for the petitioner and Mr.R.Ravichandran, learned Government Advocate (Criminal Side) appearing for the respondent.

3.The only grievance of the petitioner before this Court as of now is that, as per the condition No.iv at Para 7 of the bail order granted by the Sessions Court at Chennai, by order dated 05.12.2017, the petitioner shall appear before the respondent police at 10.30 A.M. for a period of one month.

4.It is the grievance of the petitioner appears to be that pursuant to the said condition imposed by the Court of Sessions, as a bail condition, whenever the petitioner appeared before the respondent police to report and sign in the Register, it is alleged by the petitioner that the respondent police refused to allow the petitioner to sign in the Register by marking his presence/appearance towards compliance of the said direction issued by the Sessions Court.

5.In this regard, the learned counsel appearing for the petitioner would submit that the said condition (iv) of the order of the Court of Sessions has to be modified permitting the petitioner to appear before the learned Judicial Magistrate at 10.30 A.M. everyday for a period of one month.

6.I have heard Mr.R.Ravichandran, learned Government Advocate (Criminal Side), who would submit that once a condition is imposed by the Court, it is the duty of the respondent police to comply with the same and therefore, the allegation now made by the petitioner is a bald allegation and without any substance. The learned Government Advocate (Criminal Side) would further submit that the respondent police would abide by whatever condition imposes by this Court without any deviation.

7.I have considered the said submissions made by both sides.

8.Once a condition is imposed by the Court of Law, whereby the petitioner/litigant/accused is directed to appear before the prosecution/police, it is the duty of the petitioner to appear before the concerned police and it is also the duty of the respondent police to note and register the appearance of the petitioner as directed by the Court of Law. Therefore, on this issue, there can be no quarrel that the police can refuse the appearance of the petitioner.

9.In view of the same, this Criminal Original Petition is disposed of with the following directions:

(1)The petitioner shall appear before the respondent police at 10.30 A.M. for a period of one month from the date of receipt of a copy of this order.

(2)When the petitioner appears for the said compliance before the respondent police, it is the duty of the respondent police to register his appearance by getting signature from the petitioner in the Register and accordingly, after

completion of one month, as directed by the Court of Sessions, the said compliance shall be reported by the respondent police to the concerned Magistrate Court.

(3) It is open to the petitioner that, after such compliance of appearance daily at 10.30 A.M. before the respondent police for a period of one month, to seek for further relaxation of the said condition before the appropriate Court.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

mps
To

1. The Principal Judge,
Court of Sessions,
Chennai.

2. The Judicial Magistrate No. I,
Poonamallee,
Chennai.

3. The Inspector of Police,
K-10, Koyambedu Police Station,
Koyambedu,
Chennai-600 107.

4. The Public Prosecutor,
Madras High Court,
Chennai.

+ 2 ccs to Mr. S. Vijay Anand, Advocate Sr. 27

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SR(CO)
EU(28/02/2018)